

It is further ordered, That the record of investigation by the Commission pursuant to order of the Commission entered March 17, 1936, and orders supplementary thereto concerning transactions in the common capital stock of Auburn Automobile Company, insofar as such investigation concerned transactions in such stock, be made a public record available for inspection at the office of the Commission in Washington, D. C.

By the Commission, Healy, C., dissenting as to discontinuance of proceeding against respondent H. Terry Morrison.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1459; Filed, May 24, 1938; 12:31 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of May, A. D. 1938.

[File No. 30-16]

IN THE MATTER OF THE TWIN STATE GAS AND ELECTRIC COMPANY

[Public Utility Holding Company Act of 1935, pursuant to Section 5 (d)]

ORDER OF THE COMMISSION

The Twin State Gas and Electric Company, a registered holding company, having made application, pursuant to Section 5 (d) of the Public Utility Holding Company Act of 1935, for an order declaring that it has ceased to be a holding company; notice and opportunity for hearing on said application having been duly given; the record in this matter having been duly considered; and the Commission having thereupon entered its findings and opinion on such application;

It is ordered, That The Twin State Gas and Electric Company has ceased to be, and at this time is not, a holding company. This order shall be effective as of the 21st day of May, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1460; Filed, May 24, 1938; 12:31 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 23rd day of May 1938.

[File No. 1-856]

IN THE MATTER OF CANAL CONSTRUCTION COMPANY CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE
ORDER DESIGNATING TRIAL EXAMINER

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 (b) promulgated thereunder, having made application to the Commission to strike the No Par Value Convertible Preference Stock of the Canal Construction Company from listing and registration on the Chicago Stock Exchange; and

The Commission having set this matter down for hearing on May 25, 1938 before Henry Fitts, an officer of the Commission; and

It appearing that Henry Fitts will be unable to preside at said hearing;

It is ordered, That George Crossland, an officer of the Commission, be and he hereby is designated in this proceeding to administer oaths and affirmations, subpoena wit-

nesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1461; Filed, May 24, 1938; 12:31 p. m.]

Thursday, May 26, 1938**No. 103**

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DELEGATING CERTAIN POWERS TO THE ATTORNEY GENERAL UNDER THE TRADING WITH THE ENEMY ACT

By virtue of and pursuant to the authority vested in me by section 5 (a) of the Trading with the Enemy Act, approved October 6, 1917 (40 Stat. 411, 415), I hereby authorize and direct the Attorney General of the United States to exercise all power and authority conferred upon the President by section 12 of the said act, as amended.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 23, 1938.

[No. 7894]

[F. R. Doc. 38-1464; Filed, May 24, 1938; 2:27 p. m.]

EXECUTIVE ORDER

**ENLARGING THE HART MOUNTAIN ANTELOPE REFUGE
OREGON**

By virtue of and pursuant to the authority vested in me as President of the United States it is hereby ordered as follows:

1. All private lands acquired or leased by the United States since the issuance of Executive Order No. 7523 of December 21, 1936, establishing the Hart Mountain Antelope Refuge, within the area described in section 2 of that order are hereby included in and made a part of the said refuge.

2. All private lands within the said area hereafter acquired or leased by the United States shall be included in and become a part of the said refuge when so acquired or leased.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 23, 1938.

[No. 7895]

[F. R. Doc. 38-1465; Filed, May 24, 1938; 2:27 p. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49580]

PARROTS—REGULATIONS

**IMPORTATIONS OF PRIVATELY OWNED BIRDS OF THE PARROT FAMILY
REQUIRED TO BE INSPECTED BY PUBLIC HEALTH OFFICERS**

To Collectors of Customs and Others Concerned:

Pursuant to Executive Order No. 5264 of January 24, 1930, the third paragraph of the regulations published as (1934) T. D. 46846 is amended by changing the period at the end of the second sentence thereof to a comma and adding the following:

but such importations must be inspected and passed by a quarantine officer of the United States Public Health Service before release for entry into the United States.

Appended hereto are a list of ports at which inspection and quarantine facilities of the United States Public Health Service are available for birds of the parrot family imported

into the United States and a supplemental list of ports where inspection by a quarantine officer of the United States Public Health Service may be accomplished.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

LIST OF PORTS AT WHICH INSPECTION AND QUARANTINE FACILITIES
OF THE UNITED STATES PUBLIC HEALTH SERVICE ARE AVAILABLE

Baltimore, Md.	Miami, Fla.
Boston, Mass.	Mobile, Ala.
Brownsville, Tex.	New Orleans, La.
Charleston, S. C.	Norfolk, Va.
Galveston, Tex.	Philadelphia, Pa.
Jacksonville, Fla.	Portland, Oreg.
Laredo, Tex.	Sabine, Tex.
Los Angeles, Calif.	San Francisco, Calif.

SUPPLEMENTAL LIST OF PORTS AT WHICH QUARANTINE INSPECTION
OF BIRDS OF THE PARROT FAMILY MAY BE ACCOMPLISHED

Aberdeen, Wash.	New London, Conn.
Anacortes, Wash.	Newport News, Va.
Bellingham, Wash.	Niagara Falls, N. Y.
Bridgeport, Conn.	Ogdensburg, N. Y.
Brunswick, Ga.	Olympia, Wash.
Buffalo, N. Y.	Panama City, Fla.
Calexico, Calif.	Perth Amboy, N. J.
Carrabelle, Fla.	Plymouth, Mass.
Columbus, N. M.	Port Angeles, Wash.
Corpus Christi, Tex.	Port St. Joe, Fla.
Del Rio, Tex.	Port San Luis, Calif.
Douglas, Ariz.	Presidio, Tex.
Duluth, Minn.	Providence, R. I.
Eagle Pass, Tex.	Provincetown, Mass.
Eastport, Me.	Rio Grande City, Tex.
Erie, Pa.	Roma, Tex.
Eureka, Calif.	Roosevelt, N. Y.
Everett, Wash.	Salem, Mass.
Fall River, Mass.	San Ysidro, Calif.
Fernandina, Fla.	Sault Ste. Marie, Mich.
Freeport, Tex.	Seattle, Wash.
Gloucester, N. J.	South Bend, Wash.
Hidalgo, Tex.	Tacoma, Wash.
Key West, Fla.	West Palm Beach, Fla.
Morehead City, N. C.	Wilmington, Del.
Naco, Ariz.	Wilmington, N. C.
New Bedford, Mass.	Ysleta, Tex.
New York, N. Y.	

[F. R. Doc. 38-1466; Filed, May 24, 1938; 2:54 p. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 68-FD]

IN THE MATTER OF THE APPLICATION OF THE SUNSHINE ANTHRACITE COAL COMPANY FOR CERTIFICATE OF EXEMPTION
FILED PURSUANT TO ORDER NO. 28

NOTICE OF ORAL ARGUMENT ON EXCEPTIONS TO PROPOSED REPORT
OF THE COMMISSION

The Sunshine Anthracite Coal Company, applicant above named, having filed with the Commission on the 21st day of May, 1938, exceptions to the proposed report of the Commission which was served upon the said applicant on the 12th day of May, 1938, and having requested that the adoption of the proposed report of the Commission and the exceptions thereto be set down for oral argument;

Now, therefore, notice is hereby given that the adoption of the proposed report of the Commission and the exceptions of the Sunshine Anthracite Coal Company thereto are set down for oral argument before the Commission in the Hearing Room of the Commission in the Walker Building at Washington, D. C., on the 1st day of June, 1938, commencing at the hour of ten o'clock A. M.

The Secretary of the Commission is forthwith directed to telegraph notice of the time and place of the oral argument provided for herein to the Sunshine Anthracite Coal Company and mail copies of this notice to the Sunshine Anthracite Coal Company, the Consumers' Counsel, and to the Secretaries of the Bituminous Coal Producers' Boards, and shall cause a copy of the same to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 23rd day of May, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 38-1475; Filed, May 25, 1938; 11:15 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF PRODUCERS WHO ARE ALSO PROCESSORS OF
SUGAR BEETS OR SUGARCANE, PURSUANT TO SECTION 301 (b)
OF THE SUGAR ACT OF 1937

Pursuant to the provisions of Section 301 (d) of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that a producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugar beets or sugarcane for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugar beets or sugarcane for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugar beets or sugarcane for sugar.

Done at Washington, D. C., this 24th day of May 1938.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE, *Secretary.*

[F. R. Doc. 38-1478; Filed, May 25, 1938; 12:15 p. m.]

[Docket No. A-74 O-74]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING
AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING
OF HOPS GROWN IN THE STATES OF OREGON, CALIFORNIA, AND
WASHINGTON

Whereas, under Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to the handling in interstate and foreign commerce, and such handling as directly burdens, obstructs or affects interstate or foreign commerce, of hops grown in the States of Oregon, California, and Washington;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of hops grown in the States of Oregon, California, and Washington, in the Assembly Room, Court House, Santa Rosa, California, on June 10, 1938, at 9:30 a. m.; in the Auditorium, Old Senior High School, Salem, Oregon, on June 13, 1938, at 9:30 a. m.; and in the Banquet Room, Donnelly Hotel, Yakima, Washington, on June 15, 1938, at 9:30 a. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the

act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling in interstate and foreign commerce, and such handling as directly burdens, obstructs, or affects interstate or foreign commerce, of hops grown in the States of Oregon, California, and Washington. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Control Board, (b) the establishment of a Growers Allocation Committee, (c) the establishment of an Advisory Committee for each state included in the production area covered by the proposed marketing agreement and proposed order, (d) the regulation of any person, as a handler, who, as or through a principal, agent, broker, representative or otherwise, (1) ships hops from the State of Oregon, California, or Washington to any place outside that respective state, or (2) purchases, takes consignment of, accepts delivery of in connection with a purchase or sale by that respective person, or otherwise acquires, within any of said states, hops from a grower or any other person, or (3) uses hops, grown by himself, in making or manufacturing lupulin, or any malt beverage, or any other product, (e) expenses of administration, and other matters relating to the handling of hops grown in the States of Oregon, California, and Washington.

It is hereby declared that an emergency exists in the handling of hops in the aforesaid area, which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be procured from the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

Dated: Washington, D. C., May 25, 1938.

[F. R. Doc. 38-1484; Filed, May 25, 1938; 12:33 p. m.]

ACP-1938-11

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN
SUPPLEMENT NO. 9

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended February 19, 1938, and as amended by Supplements Nos. 3 to 8, inclusive, is hereby further amended as follows:

(1) The last sentence of item 1 of subsection A of Section IV is hereby amended to read as follows:

"The acreage planted to cotton shall be deemed to be that acreage which is seeded to cotton classified as soil-depleting."

(2) The last sentence of item 2 of subsection A of Section IV is hereby amended to read as follows:

"The acreage planted to corn shall be deemed to be that acreage which is seeded to corn classified as soil-depleting (excluding (1) any acreage of sweet corn contracted to be sold for canning; (2) any acreage of sweet corn sold for canning or roasting ears; (3) any acreage of sweet corn to be sold or used as seed; and (4) any acreage of popcorn sold as popcorn or to be sold or used as seed) "

(3) Item 6 of subsection A of Section V is hereby amended to read as follows:

"6. *Total soil-depleting acreage allotments.*—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 5, inclusive, of this subsection A.

(a) 5 times the rate of payment with respect to the wheat acreage allotment if a payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(b) 5 times the rate of payment with respect to general soil-depleting crops if the farm is a class A farm and no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(c) \$4.00 per acre if the farm is a class B farm and a payment is computed for the farm under Section IV with respect to a cotton, corn tobacco, peanut, potato, or rice acreage allotment but no payment is computed for the farm under Section IV with respect to a wheat acreage allotment."

(4) The last paragraph of subsection A of Section VI is hereby amended to read as follows:

"In the event that corn, cotton, rice, wheat, tobacco, peanuts, potatoes, or general crops are not harvested in 1938 on the farm, or in the event the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, finds that due to crop failure the acreage of such crop(s) was reduced sufficiently to affect materially the division of payments or deductions, the net payment or net deduction, if any, with respect to the acreage allotment for such crop(s) shall be divided among the landlords, tenants, and sharecroppers in the same proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if such crop(s) had been harvested on the farm in 1938 or if the acreage of such crop(s) had not been so reduced."

(5) Subsection E of Section XI is hereby amended to read as follows:

"E. *Excess cotton acreage.*—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any form in which he has an interest in excess of the cotton acreage allotment established for the farm for 1938, and that cotton was not planted in excess of such allotment by his authority or with his consent.

"Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Agricultural Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm, unless the farmer establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1938."

(6) Item 4 of subsection A of Section XIII is hereby amended to read as follows:

"4. Cotton (except when such crop fails to reach the stage of growth at which bolls are first formed)."

(7) The fourth paragraph following subsection G of Section XIII is hereby amended to read as follows:

"If a corn acreage allotment is established for any farm, all acreages of field corn, sweet corn, and popcorn will be regarded as corn acreage for the purpose of determining whether the corn acreage allotment for such farm has been exceeded, except (1) any acreage of sweet corn contracted to

be sold for canning; (2) any acreage of sweet corn sold for canning or roasting ears; (3) any acreage of sweet corn to be sold or used as seed; and (4) any acreage of popcorn sold as popcorn or to be sold or used as seed."

(8) The definition of class A farms in Section XVIII, insofar as it relates to the State of Arkansas, is hereby amended to read as follows:

"Arkansas.—Arkansas, Baxter, Benton, Boone, Carroll, Clay, Crawford, Franklin, Fulton, Independence, Johnson, Logan, Madison, Marion, Newton, Perry, Prairie (except Area II), Randolph (except Area I), Saline, Scott, Searcy, Sebastian (except Area I), Sharp, Stone, Van Buren, Washington, and Yell."

Done at Washington, D. C., this 25th day of May, 1938.
Witness my hand and the seal of the Department of Agriculture.

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1476; Filed, May 25, 1938; 12:15 p. m.]

RCP-1938-4

1938 RANGE CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 3

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Range Conservation Program Bulletin, as amended March 12, 1938, is hereby amended as follows:

(1) Section V, Eligibility for Payment, is hereby amended to read as follows:

"A. Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a per centum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

"B. Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

"C. Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1938 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1938 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1936 and that cotton was not planted in excess of such allotment by his authority or with his consent. Any person who knowingly plants cotton on his farm in 1938 on acreage in excess of the cotton acreage allotment established for the farm for 1938 shall not be eligible for any payment under the provisions of the 1938 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is

planted in 1938 on acreage in excess of the cotton acreage allotment for the farm for 1938 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of his allotment is mailed to him prior to the completion of the planting (seeding) of cotton on the farm unless such person establishes the fact that the excess acreage planted to cotton was due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton thereon in 1938."

(2) Section XI, Assignments, is hereby amended to read as follows:

"Any person who may be entitled to a payment in connection with the 1938 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1938. No such assignment will be recognized unless (1) the assignment is made in writing upon Form ACP-69 in accordance with instructions issued by the Agricultural Adjustment Administration and is filed in the office of the county agricultural conservation association; (2) the ranch operator files with the assignment a statement that the assignment is made to pay or secure an indebtedness incurred in connection with financing the making of a crop in 1938 and not to pay or secure any preexisting indebtedness; and (3) the person to whom such assignment is made certifies that the payment is being assigned without discount for such purpose. For the purposes of this section the making of a crop shall be deemed to include the carrying out of range-building practices.

"Nothing contained in this Section XI shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled, nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment."

Done at Washington, D. C., this 25th day of May, 1938.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-1477; Filed, May 25, 1938; 12:15 p. m.]

Forest Service.

MODIFICATION OF REGULATION L-2

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905, (33 Stat. 626), amendatory of the Act of June 4, 1897, (30 Stat. 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation L-2 of the rules and regulations governing the occupancy, use, protection, and administration of the national forests by adding the following paragraph:

[Reg. L-2. Special use permits for the following purposes will be issued without charge:]

"Q. Mining within the Custer State Park Game Sanctuary, Harney National Forest, South Dakota, but the permits must contain conditions to fully protect the wildlife within the game sanctuary and to prevent mining within 660 feet of any federal, state, or county highway, and be subject to cancellation for failure to observe such conditions."

In testimony whereof I have hereunto set my hand and official seal in the City of Washington this 24th day of May, 1938.

[SEAL]

H. A. WALLACE, Secretary.

[F. R. Doc. 38-1478; Filed, May 25, 1938; 12:16 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

ADOPTION OF RULE 340.01

The Commission, en banc, at a meeting held May 11, 1938, adopted the following Rule:

RULE NO. 340.01

Original Reports:

Required of licensees and permittees of all classes of broadcast stations as to ownership, control, operation, interests therein; contracts with others.

1. Licensees and permittees of all classes of broadcast stations shall, within 30 days from adoption of this Rule, or within 30 days after becoming permittees or licensees, file with the Commission original reports containing the information required by F. C. C. Form 728 or F. C. C. Form 729 attached hereto, and made a part hereof.

Supplemental Reports:

2. Thereafter, and within 30 days of the occurrence of any event which necessitates a change in information already reported, all such licensees or permittees shall file supplemental reports containing the information required by F. C. C. Form 730¹ attached hereto, and made a part hereof.

3. All reports required hereby must be dated and executed under oath in accordance with the provisions of the form and show the date upon which each reported event occurred.

Execution:

One report (original or supplemental) may be rendered by a licensee covering more than one station provided the reported information relates equally to all stations. Otherwise, separate reports for each station must be filed.

Corporations having 1,000 stockholders or more; information limited:

4. A licensee or permittee corporation which has of record on the date of submission of any report 1,000 stockholders or more, may file the information required herein as to the stockholders who own 1% or more of the stock of said corporation.

The term "contract" includes verbal understanding:

5. The term "contract" as it appears on the forms provided by this Rule shall be construed to include every contract, understanding, or agreement, verbal or written. Verbal contracts shall be reduced to writing and certified copies thereof submitted.

Order No. 2, Broadcast Division, repealed.

6. Order No. 2, promulgated August 21, 1934 by the Broadcast Division thereto, is hereby repealed.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 38-1469; Filed, May 25, 1938; 9:41 a. m.]

EXEMPTION OF ALL UNITED STATES PASSENGER VESSELS (VESSELS CARRYING OR CERTIFICATED OR LICENSED TO CARRY MORE THAN 12 PASSENGERS) OF A TONNAGE UP TO AND INCLUDING 15 GROSS TONS FROM PROVISIONS OF TITLE III PART II OF THE COMMUNICATIONS ACT OF 1934 AS AMENDED BY PUBLIC NO. 97

The Commission, en banc, at a meeting held May 17, 1938 adopted the following order:

ORDER

Whereas, there are pending before the Commission certain applications for exemption from the provisions of Title III,

¹ Filed as part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Federal Communications Commission.

Part II, of the Communications Act of 1934, as amended by Public No. 97, which applications were filed on behalf of certain passenger vessels, (the majority of which are engaged in sport-fishing) up to and including 15 gross tons, operating in the vicinity of Los Angeles, California; and

Whereas, the Commission by its Orders of November 27, 1937; April 5, 1938; and April 26, 1938, granted exemption from the radio requirements of Title III, Part II of the Communications Act of 1934, as amended by Public No. 97 of May 20, 1937, to a total of 47 small passenger vessels of under 100 gross tons navigating within specified geographical areas in the vicinity of Miami, Florida; along the Gulf seaboard between New Orleans, Louisiana, and Tampa, Florida; between Calcasieu Pass and Sabine Bank along the Gulf seaboard, and between San Diego, California and the Coronados Islands; and

It appearing, that it is impracticable for vessels up to and including 15 gross tons to be equipped and manned to meet the radio requirements of treaty and statute for passenger vessels;

It is ordered, pursuant to Section 352 (b) (1) and (3) of the Communications Act of 1934, as amended by Public No. 97 of May 20, 1937 and Article 28 of the Safety of Life at Sea Convention, London, 1929, that all United States passenger vessels (vessels carrying or certificated or licensed to carry more than 12 passengers) of a tonnage up to and including 15 gross tons be, and they are hereby, exempted from the radio requirements of the said Act and the said Treaty for a period of one year from this date, upon the express condition that such vessels shall not be navigated more than 20 nautical miles from the nearest land nor more than 200 nautical miles in the open sea between two consecutive ports, and upon the further condition that such vessels, when navigated within these limitations on an international voyage, shall have on board an appropriate certificate as prescribed by the Safety of Life at Sea Convention, London, 1929.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 38-1470; Filed, May 25, 1938; 9:41 a. m.]

AMENDMENT TO ORDER NO. 19

The Commission, en banc, at a meeting held May 17, 1938, amended Order No. 19 to read in part as follows:

75000 *	94300 *
93500 *	109500 *
93900 *	109900 *

* Available for non-government assignment under prescribed restrictions and limitations.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 38-1471; Filed, May 25, 1938; 9:41 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3352]

IN THE MATTER OF FAN TAN COMPANY, INC., A CORPORATION, ALSO TRADING AS LOU RAY COMPANY, GRO PRES COMPANY, AND BISHOP JONES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade

Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 28, 1938, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1467; Filed, May 25, 1938; 9:22 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3258]

IN THE MATTER OF ROY E. REED AND FLORENCE A. REED, TRADING UNDER THE NAME AND STYLE DIESEL ENGINEERS, ASSOCIATED

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles P. Vivini, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, June 7, 1938, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 515, Pacific Electric Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1468; Filed, May 25, 1938; 9:22 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3212]

IN THE MATTER OF JACK ROSENFELD, INDIVIDUALLY AND DOING BUSINESS UNDER THE TRADE NAME AND STYLE OF J. ROSE & COMPANY

ORDER APPOINTING EXAMINER AND SETTING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, June 4, 1938, at ten o'clock in the forenoon of that day (central standard time), Room 429, Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1472; Filed, May 25, 1938; 10:29 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3278]

IN THE MATTER OF YALE I. GLUBOK, INDIVIDUALLY AND TRADING AS RELIABLE SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, June 4, 1938, at ten o'clock in the forenoon of that day (central standard time), in Room 429, Court House and Custom House, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 38-1473; Filed, May 25, 1938; 10:29 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of May, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3311]

IN THE MATTER OF SAMUEL I. SIFERS, INDIVIDUALLY, AND TRADING AS SIFERS CANDY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, June 6, 1938, at ten o'clock in the forenoon of that day (central standard time) in Post Office Inspector Office, Federal Building, Topeka, Kansas.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL]

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 38-1474; Filed, May 25, 1938; 10:29 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 25th day of May, A. D. 1938.

[File Nos. 32-90, 32-51]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY

AMENDED NOTICE OF AND ORDER FOR HEARING

An application (File No. 32-90) pursuant to section 6-(b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by Washington Gas Light Company, a subsidiary company of Washington and Suburban Companies, a registered holding company, for exemption from the provisions of section 6 (a) of said Act of—

(1) the issue and sale by it of 15,600 shares of \$4.50 Cumulative Convertible Preferred Stock without par value, to a group of underwriters for resale to the public;

(2) the issue and delivery by it to certain holders of common stock without par value of warrants to subscribe to 2,497 shares of said 15,600 shares of preferred stock without par value;

(3) the issue and exchange from time to time of such number of shares of common stock, without par value, as may be required when and as the holders of said 15,600 shares of preferred stock may elect to exercise their conversion rights applicable thereto. Upon the basis of the initial conversion rate the number of shares of said common stock so issuable upon conversion would aggregate 46,800.

The sale to the underwriters will be subject to prior rights of holders of common stock to subscribe to their proportionate part of said 15,600 shares of preferred stock.

The funds derived from the sale are to be used to reimburse applicant's treasury for expenditures made in connection with additions and expansions of applicant's plants and distribution system made prior to December 31, 1937.

The Commission, by its order, issued June 22, 1937, upon the application of Washington Gas Light Company, (File No. 32-51) having exempted from the provisions of section 6 (a) the issuance and sale by Washington Gas Light Company of 20,000 shares of \$4.50 Cumulative Convertible Preferred Stock, and also as specified in Subdivision 4 of said order: "The issue and exchange by it from time to time of such number of shares not exceeding 60,000, of common stock, without par value, as may be required when and as holders of such preferred stock may elect to exercise the conversion rights applicable thereto" (italics added).

Washington Gas Light Company having filed a supplemental application requesting that the Commission amend Subdivision 4 of said order, issued June 22, 1937, to read as follows: "The issue and exchange of such number of shares of common stock of said company as may, in accordance with the conversion rate at the time applicable to the \$4.50-Cumulative Convertible Preferred Stock, be required, for the purpose of delivering to the holders of said 20,000 shares of pre-

ferred stock, the number of shares of common stock to which such holders will be entitled, in accordance with the provisions of the resolution creating such stock, when and as they may elect to exercise their conversion rights applicable thereto (the number of shares of common stock initially to be reserved to be 60,000);"

It appearing to the Commission that these related matters should be heard and considered together;

It is ordered, That a hearing on such matters be held on June 2, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 31, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-1480; Filed, May 25, 1938; 12:20 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of May, A. D. 1938.

[File No. 43-119]

IN THE MATTER OF MONONGAHELA WEST PENN PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matters be held on June 13, 1938, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 8, 1938.

The matter concerned herewith is in regard to the reduction in the par value of 584,098 shares (being all of such shares issued and outstanding, but excluding treasury shares) of declarant's common stock from \$25 to \$15 per share. It is stated that the capital surplus thereby created (\$5,840,980) will be used in addition to the theretofore existing surplus for the purpose of eliminating a surplus deficit (\$4,855,563.80) created by charging off the remaining balance of certain revaluations (\$7,446,503) of its electric and gas properties and by setting up a reserve against computed losses in its electric railway properties, amounting to \$7,237,565.76. It is stated that 99.983% of declarant's common stock is owned by West Penn Power Company, a subsidiary company of American Water Works and Electric Company, Incorporated, and that 0.017% of declarant's common stock is owned by the company last-named.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1481; Filed, May 25, 1938; 12:29 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of May, A. D. 1938.

[File No. 31-379]

IN THE MATTER OF H. M. BYLLESBY & Co. (APPLICATION PURSUANT TO SECTION 2 (A) (7) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (7) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on June 10, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 5, 1938.

The matter concerned herewith is in regard to the application of H. M. Byllesby & Co. for an order declaring it not to be a holding company in accordance with Section 2 (a) (7) of the Act.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1482; Filed, May 25, 1938; 12:29 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of May, 1938.

[File No. 1-2520]

IN THE MATTER OF GERMAN CENTRAL BANK FOR AGRICULTURE FARM LOAN SECURED 6% GOLD SINKING FUND BONDS, SERIES A OF 1928, DUE APRIL 15, 1938

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to the Commission to strike from listing and registration the Farm Loan Secured 6% Gold Sinking Fund Bonds, Series A of 1928, due April 15, 1938, of German Central Bank for Agriculture; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on June 22, 1938, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 38-1483; Filed, May 25, 1938; 12:29 p. m.]

Friday, May 27, 1938

No. 104

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER OF JANUARY 17, 1873, TO PERMIT OFFICERS AND EMPLOYEES OF THE POLICE OR PRISON DEPARTMENTS OF THE TERRITORIAL AND MUNICIPAL GOVERNMENTS OF THE VIRGIN ISLANDS TO BE APPOINTED AS DEPUTIES OR EMPLOYEES IN THE OFFICE OF THE UNITED STATES MARSHAL FOR THE VIRGIN ISLANDS

By virtue of and pursuant to the authority vested in me by section 1753 of the Revised Statutes of the United States (U. S. C., title 5, sec. 631), and as President of the United States, the Executive Order of January 17, 1873, as amended, prohibiting, with certain exceptions, officers and employees of the United States from holding any office under any State, territorial, municipal, or other local government, is hereby further amended so as to permit any officer or employee of the Police or Prison Departments of the territorial and municipal governments of the Virgin Islands to be appointed to and hold a position as deputy or other employee in the office of the United States Marshal for the Virgin Islands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 24, 1938.

[No. 78961]

[F. R. Doc. 38-1485; Filed, May 25, 1938; 2:41 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF THE EXECUTIVE ORDER NO. 5894 OF JULY 26, 1932, WITHDRAWING PUBLIC LANDS

Colorado

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended